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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,462	07/07/2003	William Calfas	5198	9341
7590	11/09/2004		EXAMINER	
Donald D. Mon Suite 303 750 East Green Street Pasadena, CA 91101			GROSZ, ALEXANDER	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 11/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/615,462	CALFAS ET AL. <i>SG</i>
	<b>Examiner</b>	<b>Art Unit</b>
	Alexander Grosz	3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 1/20/04
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 146-9 is/are rejected.
- 7) Claim(s) 5/1014 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 1/20/04 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 1/29/04
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date 1/29/04
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

In order to expedite prosecution, in view of the granted "Petition to make special", with Mr. Mon's approval, on 5/10/04, I faxed to his office some of the prior art cited on attached PTO 892.

We discussed the invention and the claims, in a number of telephone interviews, including ones on 5/10/04 and 8/03/04, but Mr. Mon indicated that he would prefer a written action on the merits of claims.

No agreement was reached.

It is not clear how Figure 4 is a "front" view of Figure 3. What does Figure 4 illustrate? In Figure 1, the lead lines (arrows) of elements 30 and 36 must be correctly positioned. In Figure 2, numerals 91 and 92 must be interchanged. In Figure 1, number 91 must changed to another, new numeral to identify the "handle" of page 15, line 4.

On page 13, line 11, "bend" must be changed to -band-; and in line 20, "79" must be changed to -29-.

Element 90 (page 14, line 8) must be illustrated in the drawings.

On page 14, line 15, "91" must be changed to -92-; and "95" must be changed to -98-.

It is not clear what the sentence on page 15, lines 19, 20 means.

Correction of all of the above is required.

Claims 1, 7 and 12 are objected to.

In claim 1, line 13, "maintenance" must be changed to -maintained-.

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In claim 7, line 2, "where" must be changed to -which-, and in line 3, "cup" must be changed to -clip-; and in line 1, "should" must be changed to -shoulder-.

In claim 12, line 1, "should" must be changed to -shoulder-; and in line 3, "clip" must be changed to -cup-.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8, 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Wang (note side panel 18); Simpson et al (note Fig. 4) Darrow or Hanrath.

The anchors are defined by the structures or elements (e.g. loops) to which the handle portions are attached.

Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Wang or Darrow.

Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Simpson et al or Hanrath.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang or Darrow, teaching applicant's basic carrier, but not at least three anchors, or a stabilizer belt, in view of Calfas et al, teaching the same.

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to have provided Wang or Darrow with a third (or more) anchors (e.g. loops) and a stabilizer loop or restraint belt, because Calfas et al recognizes the desirability of doing so, in a similar carrier, in order to improve its transportability or safety.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang or Darrow, teaching applicant's basic carrier, but not a shoulder strap with clips, in view of Caspar (note shoulder straps 20) and Griskauskas teaching the use of a clip with a removable carrier or handle for a person carrier.

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to have provided Wangs or Darrow's device with a removable shoulder carrier with clips, because Caspar and Griskauskas recognize their desirability in order facilitate the carrying of a person.

Claims 5, 10-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Wake, Grohs et al, and Diepenbrock, teaching the use of carriers with various anchors, are cited as relevant art.

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Any inquiry concerning this communication should be directed to Alexander Grosz at telephone number (703) 308-2498.

Grosz/vs  
November 2, 2004

ALEXANDER GROSZ  
PRIMARY EXAMINER